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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,135	07/23/2001	Darrell Pope	74218/13334	2385

7590 09/22/2003

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EXAMINER	
VARGOT, MATHIEU D	
ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 09/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/911,135	POPE
Examiner	**Group Art Unit**
M-VARGOT	1732

—Th MAILING DATE of this communication appears on the cover sheet beneath th correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-12 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Atta hment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Draftsperson's Pat nt Drawing Review, PTO-948

☐ Int rview Summary, PTO-413

☐ Notic of Informal Pat nt Application, PTO-152

☐ Other _____

Office Action Summary

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maus et al -769 (see col. 4, lines 39-40 for acrylic prescription lenses; col. 7, line 51 through col. 8, line 64 for an injection/compression review; col. 29, lines 60+ concerning the overflow areas) in view of Japanese document 61-66623 (see abstract and figures only), either alone, or further in view of Ratkowski (see last line of the abstract and Table 1).

The admitted prior art of Maus et al -769 concerning the state of the art in injection-compression molding (see column 7, part B(1)) discloses the basic claimed process (and hence product made therefrom) lacking essentially the aspects of molding a prescription (negative diopter) acrylic lens using this method and that an additional injection would be employed after the secondary clamp pressure has been applied. Note in particular column 8, lines 27+, wherein it is disclosed that optimum results are obtained only by careful control over process parameters such as injection pressure and fill rate, timing between injection and compression and final clamping forces, all parameters which applicant desires to control. Also, failure to control these parameters can lead to molded-in stresses--see column 8, line 63. Obviously, a careful control over the admitted prior art injection/compression process as disclosed in Maus et al -769 would lead to a stress-free lens. Concerning the aspect of the negative diopter acrylic lens, the description of the straight injection

prior art (see column 4, part A (1) of Maus et al -769) teaches at lines 39 and 40 that prescription (negative) acrylic lenses have been injection molded. It is well known in the art to injection/compression mold negative lenses and one of ordinary skill in the art would know to do this. In fact, see Maus et al -769, col. 30, lines 59-66 which discusses the injection/compression molding process of Weber to make negative power lenses. Japanese -623 discloses an additional injection after the compression to presumably account for any shrinkage of the material when molding a concave (minus or negative) lens without weld lines or internal stresses. Such would have clearly been an obvious modification to the prior art of Maus et al -769 for this purpose. Ratkowski has been additionally applied to teach the control of the injection temperature (along with pressure and time) to form acrylic lenses with no internal stresses. The primary reference at column 4, part A(1) teaches that control over molding temperature is important in forming a quality lens, and one of ordinary skill in the art would know that such would have likewise have been important in an injection/compression molding process. In short, it is submitted that the instant method and hence product is met by the prior art, in that the instant steps constitute no more than a combination of techniques known in the prior art to produce minus (or other) lenses with minimal internal stress. A molded lens with little internal stress constitutes a stress-relieved lens as instantly disclosed and claimed. The instant two and three plate molding machines to make the injection molded lens are purely conventional in the art and the choice of either would have been obvious dependent on injection temperature and material flow properties desired. It is

further submitted that the exact impact strength would have been an obvious feature in the lens of the combination as applied so that the molded lens does not crack easily upon dropping.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is (703) 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M. Vargot

September 16, 2003

M. Vargot

MATHIEU D. VARGOT
PRIMARY EXAMINER
GROUP 1300

9/16/03